

SENATE BILL 622

By Woodson

AN ACT to amend Tennessee Code Annotated, Section 37-1-126, relative to representation of juveniles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-126(a), is amended by deleting the current language in its entirety and by substituting instead the following:

(a) In all delinquency hearings, or in such unruly hearings in which the child may be in jeopardy of being removed from the home as specified in Section 37-1-132(b), a child is entitled to representation by legal counsel at all stages of any proceedings under this part, and if, as an indigent person, such child is unable to employ counsel, to have the court provide counsel for such child. If a child appears without counsel, the court shall ascertain whether such child knows of such child's right thereto and such child's right to be provided with counsel by the court if such child is an indigent person. The court may continue the proceeding to enable a child to obtain counsel and shall provide counsel for an unrepresented indigent child upon such child's request. In all delinquency hearings or in such unruly hearings in which the child may be in jeopardy of being removed from the home as specified in Section 37-1-132(b), counsel shall be provided for a child not represented by such child's parent, guardian, guardian ad litem or custodian or where the child's interests conflict with the parent, guardian, custodian or guardian ad litem. If the interests of two (2) or more children conflict, separate counsel may be provided for each of them.

SECTION 2. Tennessee Code Annotated, Section 37-1-126(b), is amended by deleting the current language in its entirety and by substituting instead the following:

(b) "Indigent person" is one who does not possess sufficient means to pay reasonable compensation for the services of a competent attorney.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.